

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:16cr6

ANTHONY L. BURFOOT

**DEFENDANT ANTHONY L. BURFOOT'S BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE  
SPECIFIC ADDITIONAL MOTIONS**

COMES NOW the defendant, Anthony L. Burfoot, by counsel, and as and for his Brief In Support Of Motion For Leave to File Specific Additional Motions, respectfully states as follows:

The defendant has previously filed a number of pretrial motions in a timely manner in accordance with an earlier pretrial motions deadline of March 2, 2016.

Subsequent to that deadline, there have been additional developments and changes in circumstances in connection with the case, including additional, substantial pretrial publicity surrounding the ongoing petition to recall the defendant as the Norfolk City Treasurer pending in the Norfolk Circuit Court, as well as the guilty plea of local builder Ronald W. Boone, Sr. this past month in this Court for an alleged bribery scheme with the defendant. These additional and ongoing developments, in the judgment of defense counsel, have necessitated the filing at this time of two additional motions.

First ,while the defendant does not seek a pretrial change of venue, the defendant has moved conditionally for a change of venue if the *voir dire* process reveals such actual prejudice on the part of the jury pool as a result of the continuing and particularly more recent publicity such that an impartial jury cannot be impanelled.

Second, in light of the aforementioned guilty plea of Mr. Boone last month, the

defendant has filed a supplemental discovery request for potentially discoverable materials in connection with that plea.

The defendant respectfully submits that permitting the filing of these two additional Motions at this time will not prejudice the Government, and will promote the interests of justice and Due Process for the defendant; and are timely and appropriate in light of the new and changed circumstances, since the original motions deadline, which necessitate the filing of these additional motions.

Moreover, the defendant respectfully submits that defense counsel is professionally obligated to file these additional motions at this time, lest he potentially default, by inaction, as to certain important rights of the defendant, and responsibilities of counsel in connection the provision of adequate and effective assistance of counsel.

#### **CONCLUSION**

For the foregoing reasons, therefore, the defendant respectfully moves this Court for the entry of an Order in accordance with the herein Motion.

ANTHONY L. BURFOOT

By: \_\_\_\_\_/s/\_\_\_\_\_  
Of counsel

Andrew M. Sacks, Esquire, VSB#: 20082  
Stanley E. Sacks, Esquire, VSB# 04305  
Attorneys for defendant Anthony L. Burfoot  
SACKS & SACKS, P.C.  
Town Point Center  
150 Boush Street, Suite 801  
Norfolk, VA 23510  
Telephone: (757) 623-2753  
Facsimile: (757) 274-0148  
E-mail: [andrewsacks@lawfirmofsacksandsacks.com](mailto:andrewsacks@lawfirmofsacksandsacks.com)

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of October, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a

notification of such filing (NEF) to:

Melissa E.O'Boyle, Esquire  
Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, Virginia 23510  
Phone: (757) 441-6331  
Fax: (757) 441-6689  
Email: [Melissa.OBoyle@usdoj.gov](mailto:Melissa.OBoyle@usdoj.gov)

/s/

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Andrew M. Sacks, Esquire

Andrew M. Sacks, Esquire, VSB#: 20082  
Stanley E. Sacks, Esquire, VSB# 04305  
Attorneys for defendant Anthony L. Burfoot  
SACKS & SACKS, P.C.  
Town Point Center  
150 Boush Street, Suite 801  
Norfolk, VA 23510  
Telephone: (757) 623-2753  
Facsimile: (757) 274-0148  
E-mail: [andrewsacks@lawfirmofsacksandsacks.com](mailto:andrewsacks@lawfirmofsacksandsacks.com)

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